

09/02/2003TTAB

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09/02/2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ALLIANT TECHSYSTEMS, INC.,	)	
	)	Trademark Application
Opposer,	)	Serial No. 76/383,331 for
	)	R.C.B.S.-RAPID CUTAWAY BALLISTIC
	)	SYSTEM
v.	)	International Class 9
	)	Filed March 19, 2002
DIAMONDBACK TACTICAL, L.L.L.P.,	)	Published February 25, 2003
	)	
	)	Opposition No. 91157198
Applicant.	)	



09-08-2003

U.S. Patent & TMO/c/TM Mail RcptDt. #78

**ANSWER TO NOTICE OF OPPOSITION**

Diamondback Tactical, L.L.L.P., a limited liability limited partnership organized under the laws of the state of Colorado, having a place of business at 16661 N. 84<sup>th</sup> Ave. #150, Peoria, AZ 85382 ("Applicant"), by and through their attorneys, Brownstein Hyatt & Farber, PC, answer the Notice of Opposition (the "Notice") by Opposer, Alliant Techsystems, Inc., a corporation of the State of Delaware, having a place of business at 5050 Lincoln Drive, Edina, Minnesota 55436-1097 ("Opposer") by paragraph, as follows:

1. Admitted.
2. Applicant admits that Applicant filed an application to federally register the R.C.B.S. Mark (as defined in Opposer's Notice of Opposition) for the R.C.B.S. Goods (as defined in Opposer's Notice of Opposition) on March 19, 2002 and that the application has been designated Application Serial number 76/383,331. Applicant admits that it uses the abbreviated portion of the R.C.B.S. Mark in connection with certain accessories to the ballistic vests sold in connection with the use of the R.C.B.S. Mark. Applicant denies the remaining allegations of paragraph 2.

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3. Applicant admits that in Applicant's application for federal registration of the R.C.B.S. Mark Applicant claimed a first use date of February 1, 2002. Applicant admits that it did not make use of the R.C.B.S. Mark prior to February 1, 2003.

4. Admitted.

5. Admitted.

6. Applicant admits that a rapid cutaway ballistic vest is a type of ballistic vest.

Applicant denies the remaining allegations of paragraph 6.

7. Applicant admits that it describes the R.C.B.S. Rapid Cutaway Ballistic System as having a "unique cut-away system [that] allows you to totally remove or ditch a fully loaded tactical vest with the pull of a single pillow." Applicant denies the remaining allegations in paragraph 7.

8. Admitted.

9. Applicants are without sufficient information to admit or deny the allegations of paragraph 9 and, therefore, deny the same.

10. Applicants are without sufficient information to admit or deny the allegations of paragraph 10 and, therefore, deny the same.

11. Applicants are without sufficient information to admit or deny the allegations of paragraph 11 and, therefore, deny the same.

12. Applicants are without sufficient information to admit or deny the allegations of paragraph 12 and, therefore, deny the same.

13. Applicants are without sufficient information to admit or deny the allegations of paragraph 13 and, therefore, deny the same.

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14. Applicants are without sufficient information to admit or deny the allegations of paragraph 14 and, therefore, deny the same.

15. Applicants are without sufficient information to admit or deny the allegations of paragraph 15 and, therefore, deny the same.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

**DEFENSES**

1. Opposer's Notice fails to state a claim upon which relief can be granted.

2. Defendant reserves the right to rely upon affirmative defenses as may be supported by the facts to be determined through full and complete discovery.


09/09/2003 10:00 AM

**WHEREFORE**, Applicants pray that the Notice of Opposition as filed by Opposer be dismissed.

A duplicate copy of this Answer to Notice of Opposition is hereby submitted.

Dated: Denver, Colorado  
September 8, 2003

Respectfully Submitted,  
BROWNSTEIN HYATT & FARBER, PC

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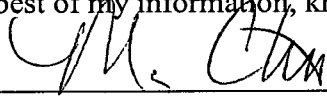
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**PROOF OF SERVICE**

Mary Childs, an employee of Brownstein Hyatt & Farber, PC, says that on September 8, 2003 she served a copy of the **Answer to Notice of Opposition, Certificate of Express Mail** and this **Proof of Service** upon Stephen R. Baird, Esq. Fish & Richardson P.C., P.A., 60 South Sixth Street, Suite 3300, Minneapolis, MN 55402 by enclosing the same in a postage paid envelope and depositing it in the U.S. mail.

I declare that the statement above is true to the best of my information, knowledge and belief.

  
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 Mary Childs

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**CERTIFICATE OF EXPRESS MAIL**

Express Mail Label No.: **ET164182241US**

Date of Deposit: **September 8, 2003**

I hereby certify that this **Answer to Notice of Opposition** and **Proof of Service** is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to Box TTAB No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

  
 \_\_\_\_\_  
 Mary Childs